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22 *Incredible Pizza Franchise Group, LLC*

23 UNITED STATES DISTRICT COURT
24 CENTRAL DISTRICT OF CALIFORNIA
25 WESTERN DIVISION

26 JIPC Management, Inc.

27 Plaintiff,

28 v.

Incredible Pizza Co., Inc.; Incredible
Pizza Franchise Group, LLC;

Defendants.

Case No. CV08-04310 MMM (PLAx)

**DEFENDANTS' REPLY IN
SUPPORT OF MOTION IN LIMINE
NO. 4**

Pretrial Conference

Date: July 13, 2009

Time: 9:00 a.m.

Courtroom: Roybal 780

Judge: Hon. Margaret R. Morrow

1 In its Opposition, Plaintiff acknowledges that *Plaintiff's counsel* will not refer
2 at trial to Plaintiff's claimed trademarks as the "Incredible Marks." However,
3 Defendants' Motion seeks to preclude not just counsel but also Plaintiff and its
4 witnesses from referring to these marks as the "Incredible Marks." Because Plaintiff
5 fails to offer any legitimate reasons why it should be permitted to refer to its marks as
6 "Incredible Marks," and because Plaintiff's Opposition deals solely with references by
7 counsel, not witnesses, the Motion in Limine should be granted.

8 Dated: July 6, 2009

HOLME ROBERTS & OWEN LLP

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10 By: s/Steven C. Lawrence

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24 Attorneys for Incredible Pizza Co., Inc.
25 and Incredible Pizza Franchise Group,
26 LLC
27
28

1 **PROOF OF SERVICE**

2 **1013 A(3) CCP REVISED 5/1/88**

3 STATE OF ARIZONA, COUNTY OF MARICOPA

4 I am employed in the County of Maricopa, State of Arizona. I am over the age of 18 and not
5 a party to the within action. My business address is 16427 North Scottsdale Road, Suite 300,
6 Scottsdale, Arizona 85254.

7 On July 6, 2009, I served the foregoing document described as **DEFENDANTS'**
8 **REPLY IN SUPPORT OF MOTION IN LIMINE NO. 4** on the interested party in this
9 action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

10 **SEE ATTACHED SERVICE LIST**

11 ☐ BY MAIL: I am "readily familiar" with the firm's practice of collection and
12 processing correspondence for mailing. Under that practice it would be deposited with U.S. postal
13 service on that same day with postage thereon fully prepaid at Scottsdale, Arizona in the ordinary
14 course of business. I am aware that on motion of the party served, service is presumed invalid if
15 postal cancellation date or postage meter date is more than one day after date of deposit for mailing
16 in affidavit.

17 ☐ BY PERSONAL SERVICE: I caused the above-mentioned document to be
18 personally served to the offices of the addressee.

19 ☐ BY FACSIMILE: I communicated such document via facsimile to the
20 addressee as indicated on the attached service list.

21 ☐ BY FEDERAL EXPRESS: I caused said document to be sent via Federal
22 Express to the addressee as indicated on the attached service list.

23 ☒ BY ELECTRONIC MAIL: I caused the above-referenced document to be
24 served to the addressee on the attached service list.

25 Executed on July 6, 2009, at Scottsdale, Arizona.

26 **X** (FEDERAL) I declare that I am employed in the office of a member of the bar
27 of this court at whose direction the service was made.

28 _____
Jamie Tuccio

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